

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GEOTAG INC.,

Plaintiff,

v.

**FRONTIER COMMUNICATIONS
CORPORATION, *et al.*,**

Defendants

2:10-cv-00265

CONSOLIDATED ACTION

**DEFENDANTS' RESPONSE TO MOTION TO COMPEL PRODUCTION OF SOURCE
CODE FROM DEFENDANTS REPRESENTED BY SEYFARTH SHAW**

Plaintiff GeoTag, Inc. ("GeoTag") moved to compel production of certain source code from the following defendants represented by Seyfarth Shaw LLP: Michaels Stores, Inc., Viewsonic Corp., The Cheesecake Factory, Inc./TCF LLC., VF Outdoor, Inc. d/b/a The North Face, and Where2GetIt, Inc. ("W2GI") (collectively, "Seyfarth Defendants"). Seyfarth Shaw previously produced source code for numerous other defendants, including source code from provider W2GI (GeoTag's Motion sought production of additional files of W2GI source code that GeoTag identified during its prior review of W2GI code).

Notwithstanding that GeoTag did not meet and confer with the Seyfarth Defendants with respect to this Motion, the Seyfarth Defendants produced additional source code to resolve the issues raised by GeoTag.¹ Accordingly, the week after GeoTag filed the Motion, code was produced for each of the Seyfarth Defendants, except Viewsonic, Inc.

These productions -- while not necessary or relevant to the issues, especially in light of the positions taken by GeoTag in its various and changing infringement contentions and expert reports produced (and also subject to various motions) over the past two months -- were solely

¹ GeoTag had previously raised the issues regarding certain additional code from W2GI and W2GI was investigating the issues prior to GeoTag filing the Motion. GeoTag had not raised any issues regarding the other Seyfarth Defendants prior to filing the Motion.

meant to resolve the outstanding Motion. GeoTag confirmed that the code produced for several of the Seyfarth Defendants fully resolves any outstanding issues. Further, Geotag has had the code for the remaining Defendants for sufficient time to identify any other alleged issues, but has not done so.²

With respect to Viewsonic's production, GeoTag's claim relates to a locator technology that has not been available on Viewsonic's website for more than approximately one year. Therefore, Viewsonic had to search archived systems to find the relevant code, which it has done, and Viewsonic is producing that code simultaneous with this filing.

Accordingly, the Seyfarth Defendants contend that any plausible issue with source code production has been resolved and there is no further action required by the Court.

Dated: August 26, 2013

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Daniel J. Schwartz

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**ATTORNEYS FOR MICHAELS
STORES, INC., VIEWSONIC, INC.,
THE CHEESECAKE FACTORY,
INC., VF OUTDOOR, INC. D/B/A
THE NORTH FACE, AND
WHERE2GETIT, INC.**

² Defendant Viewsonic recognizes that its production was only made today. However, the scope of its production is commensurate with other Defendants' productions represented by Seyfarth (whether or not the subject of this Motion) that GeoTag has confirmed are sufficient for its purposes.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 26, 2013.

/s/ Daniel J. Schwartz

Daniel J. Schwartz